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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,793	06/22/2000	Stephen Herman	us 000143	8272

24737 7590 01/02/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

LUU, MATTHEW

ART UNIT	PAPER NUMBER
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2672

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DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,793

Applicant(s)

STEPHEN HERMAN

Examiner

LUU MATTHEW

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-17, 19-22 and 24 is/are rejected.
- 7) ☒ Claim(s) 6, 13, 18, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art (APA)(Applicant's specification, pages 2-3).

Regarding claim 15, the APA (Applicant's specification, pages 2-3) discloses the methods for highlighting a portion of a display screen (such as a window) by increasing the color temperature of at least one color (white color or brightness) within the selected portion of the display screen (page 2, lines 10-17; and page 3, lines 5-9).

Regarding claim 17, APA discloses increasing the color temperature of at least a white color value or brightness within the selected portion of the display screen (page 3, lines 5-9). It is inherent that a portion or a window within the display screen contains a plurality of pixels.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17, 19-22, 24, and 1-5, 7-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda et al (5,978,041) in view of Diedrichsen et al (5,920,313).

Regarding claims 15 and 20, Masuda discloses (Figs. 27 and 34-36) methods for highlighting (brightness control) a portion of a display screen (such as a window) by increasing the color temperature of at least one color (white color or brightness) within the portion of the display screen (column 28, lines 11-65; and column 32, lines 62-64).

The only difference between the disclosure of Masuda and the claimed invention is that claim 15 requires a user input for selecting the portion or one of the multiple windows as disclosed by Masuda in Figs. 34-36.

However, Diedrichsen discloses (Figs. 1 and 4a-4b, 7a) a multiple window display system, wherein a computer user can use an input device (mouse 140) to select a portion or a window of the display screen. The selected window is also highlighted. See column 6, lines 17-34. It is obvious to a person of ordinary skill in the art to incorporate the teaching of using an input device for selecting and highlighting a window on a display screen, as taught by Diedrichsen, into the multiple window display system of Masuda to provide a visually marking method that enables the computer user to easily identifies different group of windows being displayed on the display screen.

Regarding claims 16 and 21, Masuda further discloses (Fig. 27) the color temperature control signal (1603) and the brightness control signal (1503) being inputted into the Red-Blue-Green (RGB) video circuits (170a – 170c) for modifying the color temperature and the brightness values of the (RGB) video circuits (170a-170c)

(See column 28, lines 37-61). Furthermore, Diedrichsen also discloses (Figs. 4b and 7a) different colors can be used to modified the colors of a group of windows (column 6, lines 58-63).

Regarding claims 17 and 22, Masuda discloses increasing the color temperature of at least a white color value or brightness within the selected portion of the display screen (column 32, lines 62-64). It is obvious to the person of ordinary skill in the art to realize that a portion or a window within the display screen contains a plurality of pixels.

Regarding claims 19 and 24, the only difference between the disclosure of Masuda and the claims 19 and 24 is that the claims require the limitation of increasing a color temperature of a background of the display screen.

However, Masuda discloses (Fig. 31) a specific area brightness conversion means (32) can change the brightness levels of the pictures (A) and (B) displayed on the picture display means (31) separately from each other (column 32, lines 61-64). It is obvious to the person of ordinary skill in the art to recognize that if the display portion (A) is a background image and the display portion (B) is a foreground image, then based on the teaching of Masuda above the brightness or the color temperature of the background image can be increased independently.

Regarding claim 1, Masuda discloses (Figs. 27 and 34-36) apparatus for highlighting (brightness control) a portion of a display screen (such as a window) comprising:

a color shift controller (Fig. 27, scan converter 15 and video circuits 170a-170c);
and modifying a value of at least one pixel within the portion by increasing the color

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temperature of at least one color (white color or brightness) within the portion of the display screen (column 28, lines 11-65; and column 32, lines 62-64).

The only difference between the disclosure of Masuda and the claimed invention is that claim 1 requires a user input for selecting the portion or one of the multiple windows as disclosed by Masuda in Figs. 34-36.

However, Diedrichsen discloses (Figs. 1, 4a-4b, and 7a) a multiple window display system, wherein a computer user can use an input device (mouse 140) to select a portion or a window of the display screen. The selected window is also highlighted. See column 6, lines 17-34. It is obvious to a person of ordinary skill in the art to incorporate the teaching of using an input device for selecting and highlighting a window on a display screen, as taught by Diedrichsen, into the multiple window display system of Masuda to provide a visually marking method that enables the computer user to easily identifies different group of windows being displayed on the display screen.

Regarding claim 2, Masuda discloses (Fig. 9) a cathode ray tube (CRT 7).

Regarding claim 3, Masuda discloses (Fig. 12) a liquid crystal display screen (LCD 9).

Regarding claim 4, Masuda further discloses (Fig. 27) the color temperature control signal (1603) and the brightness control signal (1503) being inputted into the Red-Blue-Green (RGB) video circuits (170a – 170c) for modifying the color temperature and the brightness values of the (RGB) video circuits (170a-170c). See column 28, lines 37-61). It is obvious to the person of ordinary skill in the art to realize that since Masuda discloses a computer window display system, it is obvious that the windows are run by window application. Furthermore, Diedrichsen also discloses (Figs. 4b and 7a) different colors can be used to modified the colors of a group of windows (column 6, lines 58-63).

Regarding claim 5, Masuda discloses increasing the color temperature of at least a white color value or brightness within the selected portion of the display screen (column 32, lines 62-64). It is obvious to the person of ordinary skill in the art to realize that since Masuda discloses a computer window display system, it is obvious that the windows are run by window application.

Regarding claim 7, the only difference between the disclosure of Masuda and the claim 7 is that the claims require the limitation of increasing a color temperature of a background of the display screen.

However, Masuda discloses (Fig. 31) a specific area brightness conversion means (32) can change the brightness levels of the pictures (A) and (B) displayed on the picture display means (31) separately from each other (column 32, lines 61-64). It is obvious to the person of ordinary skill in the art to recognize that if the display portion (A) is a background image and the display portion (B) is a foreground image, then

based on the teaching of Masuda above the brightness or the color temperature of the background image can be increased independently.

Regarding claim 8, Masuda discloses (Figs. 27 and 34-36) a processing system comprising:

- a display screen (Fig. 36, screen 31);
- a memory (ROM 35 or data storage 3131);
- a data processor (CPU 34); and
- apparatus for highlighting (brightness control) a portion of a display screen (such as a window) comprising:

- a color shift controller (Fig. 27, scan converter 15 and video circuits 170a-170c);

and modifying a value of at least one pixel within the portion by increasing the color temperature of at least one color (white color or brightness) within the portion of the display screen (column 28, lines 11-65; and column 32, lines 62-64).

The only difference between the disclosure of Masuda and the claimed invention is that claim 1 requires a user input for selecting the portion or one of the multiple windows as disclosed by Masuda in Figs. 34-36.

However, Diedrichsen discloses (Figs. 1, 4a-4b, and 7a) a multiple window display system, wherein a computer user can use an input device (mouse 140) to select a portion or a window of the display screen. The selected window is also highlighted. See column 6, lines 17-34. It is obvious to a person of ordinary skill in the art to incorporate the teaching of using an input device for selecting and highlighting a window on a display screen, as taught by Diedrichsen, into the multiple window display system

of Masuda to provide a visually marking method that enables the computer user to easily identifies different group of windows being displayed on the display screen.

Regarding claim 9, note the rejection as set forth above with respect to claim 2.

Regarding claim 10, note the rejection as set forth above with respect to claim 3.

Regarding claim 11, note the rejection as set forth above with respect to claim 4.

Regarding claim 12, note the rejection as set forth above with respect to claim 5.

Regarding claim 14, note the rejection as set forth above with respect to claim 7.

Allowable Subject Matter

Claims 6, 13, 18 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed October 03, 2003 have been fully considered but they are not persuasive.

1. Rejection Under 35 U.S.C. 102

Applicant argues, at page 10, lines 4-8, that "The Applicant's specification states that it is desirable to highlight one of multiple windows in a display. (Application, Page 2, lines 2-13). However, Applicant should note that Examiner did not use this portion of the specification to reject the claim 15. The Examiner indicated page 2, lines 10-17 and page 3, lines 5-9 to show the highlighting a portion of a display screen (such as a

window) by increasing the color temperature of at least one color (white color or brightness) within the selected portion of the display screen (page 2, lines 10-17; and page 3, lines 5-9).

With respect to the claimed "increasing the color temperature of at least one color within said selected portion of said display screen", the APA discloses increasing the color temperature of at least a white color value or brightness within the selected portion of the display screen (page 3, lines 5-9). It is inherent that a portion or a window within the display screen contains a plurality of pixels. Therefore, it is inherent that when a white color value is being increased in a selected portion of the display screen, it would increase a white color value of a plurality of pixels within that selected portion.

Applicant's specification, page 2, lines 10-14, recites "**Methods for highlighting a portion of a display screen (such a window) in a standard cathode ray tube (CRT) television monitor are well known in the art. One method involves highlighting the selected portion by making it brighter than the other portions of the display screen**". This portion of text clearly reads on the claimed limitation "increasing the color temperature of at least one color within said selected portion of said display screen".

2. Rejection Under 35 U.S.C. 103

In response to applicant's argument that "In ex parte examination of patent applications, the Patent Office bears the burden of establishing a prima facie case of

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obviousness..." the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Masuda clearly discloses (Figs. 27 and 34-36) methods for highlighting (brightness control) a portion of a display screen (such as a window) by increasing the color temperature of at least one color (white color or brightness) within the portion of the display screen. Column 28, lines 11-65 and column 32, lines 62-64 recites, " Fig. 27 is a block diagram... In this embodiment, the display device has a constitution in which **the color temperature of an image can be changed** (lines 13-14)... and **1603 a color temperature control signal** (lines 24-26)... **As an actual operation, for example, when a video signal which is a high definition signal is inputted, the color temperature control signal 1603 outputs a control signal for controlling the color temperature to 6500 K and the gain control signal 1503 outputs a control signal for increasing the brightness** (lines 56-61). Thus, Masuda clearly teaches the broad claims, which recite highlighting (brightness control) a portion of a display screen (such as a window) by increasing the color temperature of at least one color (white color or brightness) within the portion of the display screen

The Examiner uses the Diedrichsen reference to teach (Figs. 1 and 4a-4b, 7a) a multiple window display system, wherein a computer user can use an input device

(mouse 140) to select a portion or a window of the display screen. The selected window is also highlighted. See column 6, lines 17-34. And the reason for combining the Diedrichsen reference with the Masuda reference is that "a person of ordinary skill in the art to incorporate the teaching of using an input device for selecting and highlighting a window on a display screen, as taught by Diedrichsen, into the multiple window display system of Masuda to provide a visually marking method that enables the computer user to easily identifies different group of windows being displayed on the display screen".

Thus, Examiner established "a prima facie case of obviousness."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on 9 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAZAVI MICHAEL can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

M. Luu
December 28, 2003



MATTHEW LUU
PRIMARY EXAMINER